

1
2
3
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
Jul 26, 2018

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOELLA C.,

8
9
10
11
12
13
14
15
16
17
18
19
vs.
Plaintiff,

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-03003-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

ECF Nos. 12, 17

BEFORE THE COURT is the parties' Stipulated Motion for Remand

pursuant to sentence four of 42 U.S.C. §405(g). ECF No. 17. The Plaintiff is
represented by Attorney D. James Tree. The Defendant is represented by Special
Assistant United States Attorney Thomas M. Elsberry.

After consideration, **IT IS HEREBY ORDERED** that the Stipulated
Motion for Remand (ECF No. 17) is **GRANTED**. The Commissioner's final

1 decision is reversed and remanded for further proceedings pursuant to sentence
2 four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security,
3 the Appeals Council should remand this case to the Administrative Law Judge
4 (ALJ) for a de novo hearing and a new decision. On remand, the ALJ will (1)
5 evaluate and consider the statements of physician's assistant Amy Turner, PA-C
6 (Tr. 489-91), and seek clarification of any ambiguity therein; (2) at step two, the
7 ALJ will consult with a medical expert regarding the nature and severity of
8 Plaintiff's medically determinable impairments of obesity and knee pain, singly
9 and combined; (3) the medical expert should also address the issue of whether
10 Plaintiff has an earlier onset date of disability than February 27, 2014, either before
11 she attained age 22 (March 6, 2011) or during the period from her alleged onset
12 date through her date last insured (October 31, 2010 – March 31, 2012); and (4)
13 make findings for the rest of the sequential evaluation process and will consult
14 with a vocational expert at steps four and five, as appropriate.

15 The parties stipulate that this case be reversed and remanded to the ALJ on
16 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
17 matter is remanded to the Commissioner for additional proceedings pursuant to
18 sentence four 42 U.S.C. 405(g). Upon proper presentation, this Court will consider
19 Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

It is **FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment (ECF No. 12) is **DENIED** as moot, given the parties' motion for remand.

The District Court Executive is directed to enter this Order, forward copies to counsel, and **CLOSE** the file.

DATED July 26, 2018.

s/Fred Van Sickle
Fred Van Sickle
Senior United States District Judge